

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

|  |   |                                    |
|--|---|------------------------------------|
| <b>JANE ROE,</b>                         | ) |                                    |
|  | ) |                                    |
| <i>Plaintiff,</i>                        | ) |                                    |
|  | ) |                                    |
| <b>v.</b>                                | ) | <b>Civil No. 1:20-cv-00066-WGY</b> |
|  | ) |                                    |
| <b>UNITED STATES OF AMERICA, et al.,</b> | ) |                                    |
|  | ) |                                    |
| <i>Defendants.</i>                       | ) |                                    |
|  | ) |                                    |
|  | ) |                                    |

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**DECLARATION OF PLAINTIFF’S COUNSEL IN SUPPORT OF PLAINTIFF’S  
MOTION FOR PARTIAL SUMMARY JUDGMENT  
AGAINST THE OFFICIAL CAPACITY AND ENTITY DEFENDANTS**

I, Cooper Strickland, declare as follows:

1. I represent Plaintiff Jane Roe (“Roe”) in this action. I am licensed to practice law in North Carolina. I make this declaration of my own personal knowledge, and if called as a witness could and would testify competently to the matters stated herein.
  
2. Since the parties’ initial attorneys’ conference on May 20, 2020, Roe has not been served with any discovery requests. I have served document requests, interrogatories, and requests for admission that request information on defendants’ defenses, their position on whether reinstatement is feasible, and whether they dispute Roe’s mitigation efforts and lost earnings calculation contained in her initial disclosures.
  
3. On August 11, 2020, I sent an email to the official capacity and entity defendants’ counsel providing those defendants the opportunity to state whether they dispute the material facts contained in this motion. Defendants’ counsel responded, in relevant part, that “[t]he

Defendants believe it is premature to stipulate to any facts prior to the ruling(s) on the Motions to Dismiss. At the appropriate time in the litigation, stipulations may be warranted, but not at this time.”

4. A true and correct copy of the 2013 Fourth Circuit EDR Plan is attached as Exhibit A hereto.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of August, 2020 at Lynn, North Carolina.

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/s/ Cooper Strickland  
Cooper Strickland